

Workshop on the
Delta Improvements Package

9:30 a.m. May 27, 2004
California Bay-Delta Authority
650 Capitol Mall, Sacramento

Attendees: See attached sign-in sheets (Available upon request).

Agency Respondents: Patrick Wright, California Bay-Delta Authority; Jerry Johns, Department of Water Resources; Dave Harlow, US Fish & Wildlife Service; Ron Milligan, Bureau of Reclamation; Gita Kapalin, State Water Resources Control Board; and Les Grober, Central Valley Regional Water Quality Control Board.

Summary of Comments and Responses at the workshop:

1. You mentioned that the MOU was undergoing further revision based on comments here today, additional comments from the Agencies and the Authority. Will we have opportunity to review the revisions before the Authority makes a final recommendation?

Response: A new draft will be presented at the Authority meeting in June. We may use that meeting, or an additional round of public meetings for additional public comment.

2. Need Appendix A to fairly evaluate the MOU.

Response: Agree. Appendix A, that will show the actions described in the MOU and their corresponding schedules, will be posted on the web shortly.

3. What assurances do we have that mitigations to offset additional exports won't shift burdens north of the Delta, especially Placer County?

Response: Most of the mitigation needs to be done in the Delta. Don't foresee that that it would move upstream.

4. How does the MOU account for the consequences of failing to meet Delta standards? What happens to the ability to pump at 8,500 cfs in a year that follows violations? How does the MOU account for changing Delta standards, i.e. next year three interior Delta standards go down to 0.7 from 1.0?

Response: The goal is to meet the standards all the time. If we have a challenge meeting the standards, then we discuss with the SWRCB and take whatever actions they direct.

5. If the fix to meet standards is a long time coming, can you just sneak in 8,500 at some times and then wring your hands when you violate standards?

Response: That's one of the reasons why we're working to meet the Vernalis standards today.

6. Do you anticipate going above 6,680 cfs in summer months?

Response: Yes. We have that ability now and will continue to use it in the future.

7. It's a policy issue, but until you meet permit requirements pumping shouldn't increase and you certainly shouldn't go to the full 8,500 without meeting existing standards.

Response: We follow the principle that everybody gets better together. It's a key issue.

8. The Delta Improvements Package is narrow in focus and scope. It seems to address only issues in the Delta and near-Delta. How does it integrate with the CALFED Program and with other CALFED goals upstream and downstream?

Response: The appendix will make all the linkages clearer. The MOU does link to the whole ecosystem restoration program, but not necessarily to the other objectives.

9. Thanks for the Package, which includes work on Veale and Byron and Frank's Tracts. I'm concerned that the relocation of the Contra Costa Water District intakes included in the draft matrix hasn't been carried through on here. Absent the relocation, the increase in pumping and shift of pumping to the fall will cause a significant degradation in water quality.

10. The interim 8,500 plan needs to be more specific about maintaining existing water quality, not just talk about no degradation. Also need to examine if existing standards are being met.

11. Need commitments on funding to improve water quality. There's not much money in Prop. 50 Chapter 7, so need to look at applying other chapters.

Response: Agree we need to provide more energy in water quality. Frank's Tract may be a good program that we can implement soon. Although water quality on the San Joaquin River isn't directly related to the State Water Project, DWR is committing manpower to help work on the issues.

12. There's no "substantive" link between development of a salinity plan and the use of Banks [pumping plant] for CVP and SWP contractors? Is such a link appropriate?
13. Federal export contractors don't believe there should be a link between 8,500 and the development of a salinity plan.

Response: We do see the need to link and we need to work together on this.

14. The draft MOU has specific proposals for water supply in the Delta, but not for the environment. At this point, there's no agency proposal for how to change the Ecosystem Restoration Program.

Response: The ROD requires that we develop milestones by September and we don't want to prejudge the outcome by including preliminary work in this document.

15. The Independent Science Board states that it is concerned that planning has been too narrowly focused on near-term effects – how do you plan to address that?

Response: South Delta Improvement Package will have operating changes that will reverberate upstream and is part of what's being looked at in the South Delta Action Specific Implementation Plan (ASIP). Also, the SWRCB's Decision 1641 requires a look at upstream impacts.

16. Interim operations are a fuzzy subject – made more so in the MOU. It's so fuzzy, in fact, that interim operations could become permanent and then you'd never have to meet conditions for permanent operation at 8,500.

Response: Our focus is on the long term, but we don't want to give up strategic opportunities in the interim.

17. The MOU doesn't give us a great deal of comfort with language like "no significant degradation."
18. The State Water Project does have specific water quality targets. You need to identify sources of funding with respect to water quality – not just for Contra Costa Water District, but for all water users. Identifying sources of funding is very important.
19. The words "drinking water quality" are not found in the MOU. Language in the ROD is better.
20. MOU focuses pretty much on just one project: 8,500. Is there the ability to suggest that other projects should be linked to 8,500 before they can go forward?

Response: Other elements all need to move forward, too. Programmatic biological opinions need to be updated regardless of 8,500. One project will go forward only if all the others are going forward in balance.

21. Section 2A doesn't mention protections against San Luis low-point; it should.

Response: That's an issue to consider within the scope of the MOU.

22. MOU needs a lot of work – more than you have time for before the Authority meeting.
23. There's a pattern to the MOU – specificity about plans for pumping, but everything else is about preparing plans and goals to meet standards. There needs to be a meaningful statement about what happens if you don't meet the standards.
24. Everything from Napa is carried forward here, so Napa isn't just a proposition, it's an agreement.
25. MOU is inconsistent with the ROD by saying you can go to early implementation if it doesn't make water quality worse or fish conditions worse.
26. In a hearing last fall, the State committed to meeting standards prior to increased pumping. This MOU merely says in regard to Vernalis that

we'll only notify if we fail to meet standards. Has the State changed its position?

Response: The State is still committed to meeting the Vernalis standards. The Bureau believes there is no connection between 8,500 and flow standards at Vernalis.

27. The Environmental Water Account carefully described a specific level of protection. Shouldn't the agencies in the MOU commit to at least the same level of protection as described in the ROD for the EWA?

Response: We looked at the tools that would help us meet fishery needs, and the specifics may change depending on what we learn as we move forward. We're targeting to do what's in the ROD and more for fish.

28. As I look at the DIP MOU and reliability, there's a lot of pouring concrete and building barriers. But then it's just planning for ecosystem restoration and for water quality you're adopting plans and updating commitments and strategies. Before you go to 8,500, will there be actual water quality standards, actual fishery standards, and time frames where specific actions happen? We need measurable objectives.

Response: The ROD itself doesn't have the level of detail that it does for water supply projects. With grant programs, it's harder to come up with specific standards, although we're working toward that. The ERP milestones process will help, but we can't prejudge the outcome.

29. There appear to be several new requirements for 8,500. The ROD says it was to be done last year, but this document seems to set forth several new preconditions. How does this fit with the overall balance of the Program and are these new commitments consistent with the ROD?

Response: This is our (staff's) best shot at what balance should be.

30. Recreational boaters support your efforts to keep waterways open and eradication of invasive plants. We do request that you make the permanent operable barriers compatible with boating and that you examine how the increased flows might affect levees – don't blame the boaters for those effects.

Response: All barriers will have some sort of boat locks to allow passage. We are concerned about the levees in response to changes in channel flows and we're looking at scour and dredging.

31. Why do you need to do formal consultations and update the biological opinions?

Response: Because it's a ROD requirement in response to conveyance changes.

32. Because you failed to do 8,500 two years ago as called for in the ROD, we now must suffer future burdens such as the update of the biological opinions?

Response: Yes.

33. Regarding the drainage strategy, what's the role for the state and regional boards?

Response: We're working with upstream drainers and reservoir operators to develop a plan to meet Total Maximum Daily Load (TMDL) requirements. Your assurance for follow-through is the state board's regulatory authority.

34. What's the purpose of Section 4C?

Response: To meet EWA and Endangered Species Act (ESA) assurances.

35. Conditions for going to 8,500 need to be specific and measurable. You need to add performance evaluation and monitoring and there needs to be an equivalent level of environmental protection.

36. Concerned about inclusion of interim vs. full implementation. It appears that a lower threshold than what's included in the ROD is being set here and if you can get everything you want under the interim implementation then there's no incentive to go to full implementation.

37. The language regarding Vernalis in the MOU represents just one agency's opinion. What should be in here is a commitment to meet the standards all the time and detail on what tools will be needed.

38. The MOU needs a broader look at the long-term ecosystem program. The ecosystem impacts are not just fish at the pumps, but we also need ecosystem flow targets upstream and downstream.

Response: Attachment A will have a lot of the timeframes and commitments you're looking for.

39. The MOU conditions 8,500 on the Environmental Water Account (EWA), but what happens if you don't decide to renew it?

Response: The commitment here is for environmental water needs for fish to be linked to 8,500. The specifics may change depending on the outcomes of the scientific review of the EWA, but as of today our intent is to do a long-term EWA.

40. What's a functional EWA?

Response: One that works.

41. I'm concerned about the scope of the commitments here; it's equal to amending the ROD. What changes in fish necessitate the EWA as a precondition to 8,500?

Response: The EWA truly was a test, and progress has been made. What specific benefits we're getting will be part of the scientific review this fall. EWA seems to work and we can get water. What we're still debating is the size and how to apportion costs. It's clear that protection has improved with real-time management

42. In Section 2B, there's no timing on construction of the intertie.

Response: It will likely be several years before we get to construction. Conditions are still under review. The schedules will be included in the attachment because they're too much to include in the MOU.

43. This document talks about no significant impact – is that a conflict with language in the ROD? What does “no significant impact” mean?

Response: The language is in the ROD. It's intended to mean that we won't deteriorate any protections for fish. No significant impact means it's not measurable.

44. I've got problems with the balance in this document. You've got the pumps in place, tuned up and ready to use, but only if you find the dollars will you then protect water quality standards and fish. Pushing forward is problematical. You should take three steps back.

45. Recreational boaters want to be consulted as you work on the through-Delta options, especially on changes in water flows and configurations.
46. Frank's Tract is a good thing, but think of ways to enhance it for boaters.
47. In-Delta storage needs to be included in the balance and linkages. A recreational component is needed that takes into account accessibility and sanitation.
48. We're not opposed to water quality and fish protection, just concerned over its linkages to 8,500.
49. Much of the obligations for an eventual ramp up to 10,300 cfs will be met through 8,500. We don't want to see any new obligations imposed on the move to 10,300 because it's been moved up in time.